

JUN 27 2001

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE  
BY CB

In the Matter of:

**BRIAN CARL WEBER**

Respondent.

No. 01A-169- INS

**CONSENT ORDER**

The State of Arizona Department of Insurance ("Department"), has received evidence that Brian Carl Weber, dba SecureHealth ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Brian Carl Weber, dba SecureHealth ("Respondent") is, and was at all material times licensed to transact life and disability insurance as an agent, Arizona license number 92886, which license expires May 31, 2002.

2. Respondent began doing business as SecureHealth in or around October 2000, but did not register the name with the Department until after the Department notified Respondent that doing business under an assumed name that was not registered with the Department was a statutory violation.

3. Respondent is contracted with only one life and health insurer.

4. In and around February 2001, Respondent retained Faxing America to fax Respondent's advertisement for health insurance to Arizona residents and businesses in the North Phoenix area. The advertisement was faxed to 2,500 fax numbers during the week of February 5, 2001 and 2,500 fax numbers during the week of February 12, 2001.

5. On or about February 8, 2001, Respondent's health insurance advertisement was faxed to the Arizona Department of Transportation.

6. The advertisement included the following phrases: “best deals”, “best companies”, and “if you have been insured with the same company or agents for 2 years or more, and are in good health, you are probably paying too much” and “SecureHealth policies require individual underwriting and are not available for employee groups”. The only company name shown on the advertisement was “SecureHealth”. The advertisement did not identify the name of an insurer.

7. The advertising contained information on benefits including "lower cost---Save 30% or more off your current premium!", "Better Benefits---More coverage and/or fewer exclusions and restrictions," and "Freedom of Choice---You select your own Doctors, Hospitals, and Specialists." The advertisement did not disclose any exceptions, restrictions or limitations nor did it identify the name of the insurer or of the agent.

8. Respondent represents to the Department that he was not aware of insurance statutes and rules governing advertisements and did not intend to mislead or deceive consumers.

## CONCLUSIONS OF LAW

1. The Director has jurisdiction over this matter.

2. Respondent's conduct constitutes the failure to register an assumed business name, within the meaning of A.R.S. §20-318.

3. Respondent's conduct constitutes the failure to disclose exceptions, reductions and limitations affecting the basic provisions of the policy, within the meaning of A.A.C. R20-6-201(C)(2).

4. Respondent's conduct constitutes the failure to identify the insurer, within the meaning of A.A.C. R20-6-201(L).

5. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance licenses, impose a civil penalty, order restitution and/or order Respondent to cease and desist pursuant to A.R.S. §20-316(C).

#### ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent and its agent and employees shall immediately cease and desist from making, publishing, disseminating, circulating or placing before the public any advertisement or statement with respect to the business of insurance which is untrue, deceptive or misleading.

2. Respondent shall pay a civil penalty of seven hundred and fifty dollars (\$750) to the Director payable upon the entry of this Order for remission to the State Treasurer for deposit in the State General Fund.

DATED AND EFFECTIVE this 26<sup>th</sup> day of June, 2001.

  
CHARLES R. COHEN  
Director of Insurance

#### CONSENT TO ORDER

1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.

2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.



1           3.     Respondent is aware of his right to notice and a hearing at which he may be represented  
2 by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such  
3 notice nd hearing and to any court appeals relating to this Consent Order.

4           4.     Respondent states that no promise of any kind or nature whatsoever, except as expressly  
5 contained in this Consent Order, was made to him to induce him to enter into this Consent Order and  
6 that he has entered into this Consent Order voluntarily.

7           5.     Respondent acknowledges that the acceptance of this Consent Order by the Director is  
8 solely to settle this matter against him and does not preclude any other agency, officer, or subdivision  
9 of this state from instituting civil or criminal proceedings as may be appropriate now or in the future.

10  
11     6/20/2001

12     Date



Brian Carl Weber,  
dba, SecureHealth  
License Number 92886

13           COPIES of the foregoing mailed/delivered  
14 this 27<sup>th</sup> day of June, 2001, to:

15 Brian Carl Weber  
16 5424 E. Crocus Drive  
17 Scottsdale, Arizona 85254

18 Mega Life & Health Insurance Company  
19 4001 McEwen Road, Suite 200  
20 Dallas, TX 75244

21 Sara M. Begley, Deputy Director  
22 Mary Butterfield, Assistant Director  
23 Scott Greenberg, Chief Operating Officer  
24 Department of Insurance  
2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, Arizona 85018

  
Curvey Walters Burton